

FOR THE DISTRICT OF NEBRASKA

EPIFANIO REYES NUNEZ,)	
)	
Plaintiff,)	8:09CV99
)	
v.)	
)	
SIX UNKNOWN NAMES AGENTS, OR)	ORDER
MR. PRESIDENT,)	
)	
Defendants.)	
_____)	

This matter is before the Court on its own motion. On April 20, 2009, Epifanio Reyes Nunez filed a letter with the Court inquiring why he is receiving legal correspondence in this case (Filing No. [8](#)). Mr. Reyes Nunez questioned whether some other party filed a case in his name, as the only case he has before this court is Case Number 8:09CV62.¹ The Court notes that both this case and Case Number 8:09CV62 were filed under the same name and prisoner number (See Filing No. [1](#), and *Reyes-Nunez v. Drug Enforcement Administration*, No. 8:09CV62 (D. Neb.), Filing No. [1](#)).

¹ On March 20, 2009, plaintiff was ordered to either pay the \$350 filing fee or submit a request to proceed in forma pauperis (Filing No. [4](#)). The Court notes that the motion for leave to proceed in forma pauperis (Filing No. [6](#)) and the Prisoner Account Statement (Filing No. [7](#)) filed in this case were not filed by plaintiff directly, but pursuant to a Memorandum and Order filed in Case Number 8:09CV62. (*Reyes-Nunez v. Drug Enforcement Administration*, No. 8:09CV62 (D. Neb.), Filing No. [11](#).)

IT IS ORDERED:

1. Plaintiff shall have until May 18, 2009, to file an affidavit attesting that this complaint was filed by him. If the Court does not receive the affidavit by May 18, 2009, this action will be dismissed without prejudice and without further notice.

2. The clerk of the court is directed to set a pro se case management deadline with the following text: May 18, 2009: deadline for plaintiff to file an affidavit attesting that this complaint was filed by him.

DATED this 4th day of May, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court